

Art Unit: 1624

MEMO

The claims are not correct. Although the Appeal Brief states, "No amendments were filed after the final office action", this is not true. An amendment after final was submitted 09/08/2008, and applicants were informed in the Advisory Action of 09/15/2008 that the amendment was entered. As a result, some or all of the amendments that were tendered in the 09/08/2008 paper e.g. to claims 20 and 27 do not appear in the Claims Appendix version.

In addition, the second Appeal Brief introduces changes that were never made. For example, in the actual claim 13 (and correctly in the first Brief) line 4 has Z₁, Z₂ etc --- numbers are not subscripted. But in the second Brief, these are now suddenly subscripted as Z₁, Z₂ etc. Applicants must check for all changes from the actual claims.

Further, as was stated previously, this must be a clean copy, not a marked up copy. Some markings were removed. But other markings are still present, e.g. page 10, line before the line with (a) in it. In addition, the second Brief has makings in it, e.g. page 12, line 2, that are not in the first Brief. Page 25, line 7 is another example of this --- the word "where" is underscored, even though it appears without this underscore in the first Brief.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Berch whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1624

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/Mark L. Berch/
Primary Examiner
Art Unit 1624

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